86th Legislative Session – 2011

Committee: House Local Government   Tuesday, February 08, 2011

P - Present
E - Excused
A - Absent

Roll Call
P   Deelstra
P   Feickert
P   Kloucek
P   Magstadt
P   Munsterman
P   Olson (Betty)
P   Rausch
P   Schrempp
P   Tornow
P   Tulson
P   Venner
P   Cronin, Vice-Chair
P   Kirkeby, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Mark Kirkeby, Chair.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 3, 20111

Moved by: Rausch
Second by: Schrempp
Action: Prevailed by voice vote.

                HB 1109: revise certain provisions concerning the township road system.

MOTION: DEFER HB 1109 TO THE 41ST LEGISLATIVE DAY

Moved by: Kloucek

Second by: Cronin
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Deelstra, Feickert, Kloucek, Magstadt, Munsterman, Olson (Betty), Rausch, Schrempp, Tornow, Tulson, Venner, Cronin, Kirkeby

HB 1168: revise certain provisions regarding the public records open to inspection and copying.

Presented by: Representative Marc Feinstein
Proponents: David Bordewyk, SD Newspaper Association
Opponents: Jeff Bloomberg, Bureau of Personnel (Handouts: #1)
                  Yvonne Taylor, SD Municipal League

MOTION: DEFER HB 1168 TO THE 41ST LEGISLATIVE DAY

Moved by: Tornow
Second by: Venner
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1168

Moved by: Schrempp
Second by: Kloucek
Action: Failed by roll call vote. (3-10-0-0)

Voting Yes: Feickert, Kloucek, Schrempp

Voting No: Deelstra, Magstadt, Munsterman, Olson (Betty), Rausch, Tornow, Tulson, Venner, Cronin, Kirkeby

MOTION: DEFER HB 1168 TO THE 41ST LEGISLATIVE DAY

Moved by: Tornow
Second by: Venner
Action: Prevailed by roll call vote. (10-3-0-0)

Voting Yes: Deelstra, Magstadt, Munsterman, Olson (Betty), Rausch, Tornow, Tulson, Venner, Cronin, Kirkeby

Voting No: Feickert, Kloucek, Schrempp

HB 1193: clarify certain statutes prohibiting political subdivisions from restricting firearms.

Presented by: Representative Peter Kopp
Proponents: Representative Brian Liss
              Kitty Werthmann, Eagle Forum
              Representative Phil Jensen
              Zach Lautenschlager, South Dakota Gun Owners (Handouts: #2)
Opponents: Yvonne Taylor, SD Municipal League (Handouts: #3, #4)
              Lorin Pankratz, SD County Commissioners
              Dick Howard, SD Association of Towns & Townships

MOTION: DO PASS HB 1193

Moved by: Venner
Second by: Olson (Betty)
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1193

                                                                              1193fb

   On the printed bill, delete everything after the enacting clause and insert:

   "

   Section 1. Any municipality may restrict the possession of firearms or any dangerous weapon as defined by § 22-1-2 in any building occupied as official office of the municipal elected officials, any building where the municipal governing body officially meets on a regular basis, or in any municipally owned building not licensed pursuant to chapter 35-3 where alcoholic beverages are served and consumed on site.

   Section 2. Any county may restrict the possession of firearms or any dangerous weapon as defined by § 22-1-2 in any building occupied as official office of the county elected officials, any building where the county governing body officially meets on a regular basis, or in any county owned building.

   Section 3. Any township may restrict the possession of firearms or any dangerous weapon as defined by § 22-1-2 in any building occupied as official office of the township elected officials, any building where the township governing body officially meets on a regular basis, or in any township owned building.

   Section 4. That § 9-19-20 be repealed.

9-19-20. No municipality may pass any ordinance that restricts possession, transportation, sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components. Any ordinances prohibited by this section are null and void.

Section 5. That § 7-18A-36 be repealed.

7-18A-36. No county may pass any ordinance that restricts possession, transportation, sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components. Any ordinances prohibited by this section are null and void.

Section 6. That § 8-5-13 be repealed.

8-5-13. No township may pass any ordinance that restricts possession, transportation, sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components. Any ordinances prohibited by this section are null and void."

Moved by:	Tornow
Second by:	Cronin
Action:	Prevailed by roll call vote. (9-4-0-0)

Voting Yes: Deelstra, Feickert, Magstadt, Munsterman, Rausch, Tornow, Tulson, Cronin, Kirkeby

Voting No: Kloucek, Olson (Betty), Schrempp, Venner

MOTION: DO PASS HB 1193 AS AMENDED

Moved by:	Tornow
Second by:	Rausch
Action:	Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1193 TO THE 41ST LEGISLATIVE DAY

Moved by:	Venner
Second by:	Olson (Betty)
Action:	Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Deelstra, Feickert, Kloucek, Magstadt, Munsterman, Olson (Betty), Rausch, Schrempp, Tornow, Tulson, Venner, Cronin, Kirkeby

HB 1212: revise certain provisions regarding the county wheel tax.

Presented by: Representative Dennis Feickert (Handouts: #5, #6)
Proponents: Dick Howard, SD Association of Towns & Townships
                      Deb Mortenson, Associated General Contractors of SD, Incorporated.
                      Myron Rau, SD Trucking Association
                      Lorin Pankratz, SD County Commissioners
Opponents: Zach Lautenschlager, SD Tea Party Alliance

MOTION: AMEND HB 1212

1212oa

On page 1, line 5 of the printed bill, after "county" insert "or by the department".

On page 1, line 6, after "county" insert "or department".

On page 1, after line 7, insert:

"
Section 2. That chapter 32-5A be amended by adding thereto a NEW SECTION to read as follows:

For the purposes of this chapter, a super single wheel is considered as two vehicle wheels.

Section 3. That chapter 32-5A be amended by adding thereto a NEW SECTION to read as follows:

For each trailer or semitrailer with an identification plate as provided by the provisions of § 32-5-8.1 or § 32-9-8.1 the wheel tax imposed by this chapter shall be imposed on the following number of wheels for each trailer or semitrailer based on the manufacturer's shipper weight of the trailer or semitrailer:

(1)   Four thousand pounds or less, inclusive--four wheels;

(2)   From 4,001 to 12,000 pounds, inclusive–eight wheels;

(3)   From 12,001 to 20,000 pounds, inclusive–twelve wheels; and

(4)   Over 20,000 pounds–eighteen wheels.

Section 4. That § 32-5A-3 be repealed.

~~32-5A-3. Upon purchasing a vehicle from a dealer, the purchaser shall pay the appropriate tax at the time of title transfer. Nothing in this chapter shall prevent an automobile dealer from licensing the vehicles on his lot without paying any taxes created by this chapter.~~

Section 5. That chapter 32-5A be amended by adding thereto a NEW SECTION to read as follows:

Notwithstanding the provisions of § 32-5A-2, at least fifteen percent of the revenue collected pursuant to section 1 of this Act shall be distributed to townships within the county. The township portion shall be apportioned among the organized and unorganized townships pursuant to § 32-11-6.

Section 6. That chapter 32-5A be amended by adding thereto a NEW SECTION to read as follows:

Notwithstanding the provisions of § 32-5A-2, at least five percent of the revenue collected pursuant to section 1 of this Act shall be distributed to the municipalities within the county pursuant to subdivision 32-11-4.1(3).".

Moved by:	Munsterman
Second by:	Cronin
Action:	Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1212 TO THE 41ST LEGISLATIVE DAY

Moved by:	Venner
Second by:	Tornow
Action:	Prevailed by roll call vote. (11-2-0-0)

Voting Yes: Deelstra, Kloucek, Magstadt, Munsterman, Olson (Betty), Rausch, Schrempp, Tornow, Venner, Cronin, Kirkeby

Voting No: Feickert, Tulson

HB 1160: regulate certain automatic periodic financial transfers for the purpose of funding political contributions.

THE CHAIR DEFERRED HB 1160 UNTIL FEBRUARY 10, 2011

MOTION: ADJOURN

Moved by: Cronin
Second by: Rausch
Action: Prevailed by voice vote.

Jeanette Black
Committee Secretary   Mark Kirkeby, Chair